THE DEATH OF VSVRY,

or,

THE DISGRACE OF VSVRERS.

COMPILED MORE PITHILY THEN HITHERTO HATH BENE PVBLISHED IN ENGLISH.

Wherein *Vsury* is most lively vnfolded, defined, and confuted by Divines, Civilians, Canonists, Statutes, Schoole-men, olde and new Writers.

With an Explanation of the Statutes now in force concerning Vsury, very profitable for this present Age.

Ambrosius in 1. Thessal. 4. Chap.

Hi petunt inferos, vt discant verum esse in morte quod in vita credere noluerunt.

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AVTHOURS AND Writers vſed in this booke beſides THE AVTHORITY of the holy Scriptures.

A

S. Auguſtine.
S. Ambroſe.
T. Aquinas.
Aretius.
Alphonſus.
Ariſtotle.

B

S. Barnard.
S. Baſil.
Bullinger.
Brentius.
Bucer.
Theo. Beza.
Gabr. Biel.
Brunnion.
Baldus

C

S. Chryſoſtome.
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Conſilium Agathenſe.
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L

Luther.
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D.P. Mar-

M

D.P. Martyr.
Melanc̃thon
Muſculus
Menander

P

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Plutarch.
Plato.

R

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S

Bart. Sepolitanus.
Septuaginta.

T

Tremellius.
Tullius.

W

theol. wittenberge.
D. Wilſon.

Z

Zwinglius.

VSVRA.

IT is so called because it doth *Constare de re.*

The word *Vsura* is taken in two senses or significations: *properly.* *improperly.*

Properly — it signifieth the vse of a thing, as *Erasmus* hath well obserued, that the name of *Vsurie* is taken from *vsing*, and is to be applyed not onely to this but to all other things: the very Etymologie of the worde sheweth it; the Latines have these tearmes, *Vsura Solis, Vsura Lunæ, Vsura Terræ, &c.* Hereof *M. Bullinger* said well, The name of *vsurie* is not euill, but the abusing of it in applying it to ill trades and actions.

Improperly — the name of *Vsurie* is so taken *Causa pro effectu* when we take *vsurie* for the increase and augmentation that arise of it, it is called *vsura* of the Latinistes, because there is receiued a certaine recompence for the vse of the mony, the Græcians call it Τόκον, as it were a certaine thing bred of the principall, the Hæbricians call it נשך of biting.

There

There be three kindes of *Vſuries*,
1. *Fœnus naturale.*
2. *Fœnus ſpirituale.*
3. *Fœnus politicum.*

1. *Fœnus naturale*, is that which come and increaſe by tillage of the ground. This *vſurie* is lawfull, becauſe it is the ordinance of God in the beginning. *Cain* is called a tiller of the ground, many of our fore-fathers haue growen rich by this *vſurie* as *Abraham*, *Lot*, and others. It is ſo neceſſarie that no common wealth can ſtand without it; *Menander* doeth call the *land-iuſt*, becauſe in yeelding fruit it doeth the dutie of a good ground and therefore we were vniuſt if we ſhoulde not reape it.

2. *Fœnus ſpirituale*, whereof be two ſortes,
1. *Giving of Almes.*
2. *Imploying of Gods gifts.*

Giving of Almes, is generally commended in the Scriptures, and he that giveth is as it were *fœnerator Domini* and ſhall be well rewarded: for *Salomon* ſaith, he that giveth to the poore ſhall not lacke.

The imploying of the giftes and graces of God doeth yeeld in the ende a ſpirituall increaſe, and that is meant by the Talent in Matthew.

3. *Fœnus politicum*, wherof there be alſo two ſorts,
Fœnus actuale.
Fœnus mentale.

Fœnus actuale, is committed when one doth any act for gaine or increaſe, wherof there be two kinds
Fœnus liberale.
Fœnus ex pacto.

Fœnus

Fœnus liberale, is, when he that borroweth, desireth to make some recompence, the same which is received above the principall is *Vsurie*, and is not to be condemned in two respectes. 1. becauſe it is a duty of thankfulneſſe to make amends for a benefit received. *Tully* could ſay, *Ingratus eſt qui gratiã bene merenti nõ reponit*: the Scriptures in many places condemne vnthankfulneſſe. 2. becauſe it proceedeth of the givers free-will: *& volenti non fit iniuria*, ſaith *Tho. Aquinas*: for what is more free then gift.

Fœnus expacto, whereof there be two ſorts { *vſura explicata.* / *vſura palliata.*

Vſura explicata, is ſuch as it is indeede as when one doeth covenant to take 10. in the hundreth for a yere.

Vſura palliata, is a cloſe and cloked *vſurie*, as when one lendeth money and ſhroudeth it vnder ſome other bargaine.

Fœnus mentale is when one lendeth and doth not compact but hopeth for increaſe or gaine. Sole hope maketh a man an *vſurer* ſaith one of the Canoniſtes; he that lendeth (ſaith *Camiſius*) vnder the hope of gaine is an *Vſurer*: *S. Auguſtine* vpon one of the Pſalmes ſaith, *If thou doeſt but expect to receive more then thy owne thou art an Vſurer.*

VVhat Vſurie is.

THe civill Lawes in the *Code de Vſuris* doe call that *Vſury* which is received above the principall.

Aretius ſaith, whatſoever is taken above the principall is *Vſurie.*

Rodulphus ſaieth whatſoever in lending is taken above the

principall is *vsurie*.

D. Kimhus writing vpon the 18. of Ezek. doth say that *vsury* is expressed by this addition of the prophet, *and receive no increase*. This definition may stand so farre forth as it doth not condemne *fœnus liberale* or *gratuitum*.

In the Decrees *cap. vsur.* 14 *caus.* & 3. *quæst.* that is *Vsurie* when more is required then was delivered or given.

Melanæthon saith, *vsurie* is a gaine demaunded aboue the principall only for the pleasure or benefit shewed in lending.

Consilium Agathense say, when there is more required then is lent, that is *vsurie*.

This definition differ from the former, here gaine is required, there but offered or taken. And this definition doth cut off *Interest*, which *Melanæthon* saith is a debt one owe to another by the law of nature, & it is due by the opinion of *Hemingeus* two manner of waies: 1. *ex damno habito*, 2. *ex lucro cessante*.

Ex damno habito, as when I borrow money for another and enter my bond for it, and take the like of him that receiue the mony. I may lawfully recover that I loose by the meanes of that mony. *Bishop Iuel* is of this mind also.

Ex lucro cessante, as if a shop-keeper lend mony freely to his neighbour till such a day, having then occasion to vse it at some faire to lay it out in wares, if he breake touch the shop keeper may lawfully take so much as he sustained losse for want of his money to lay out.

Brentius saith, when men require a gaine of the office of lending it is *Vsurie*. This definition is imperfect: for *Hemingeus* gives an instance, If I lend a marchant 100. pound vnder these conditions; if he gaine, I will have the moiety of the gaines: if he loose, if it be not *ex culpa larga*, I am content to beare halfe the losse: here is gaine required of office but this contract is not offensiue.

The

The Divines of *Wittenberge* say, when a man require but an halfepenny or a droppe of water for the money he lendeth it is *vsurie.*

S. Ambrose saith, that a dish of meate, a garment, or whatsoever commeth aboue the principall is *vsurie.*

From the opinions and iudgements of most writers *Actuall vsurie* is thus defined.

It is a lending for gaine by compact.

So that there doth concurre necessarily 3. things in this kinde of described *vsurie.*

There must be { *a lending.* / *a lending for gaine.* / *a compacting for gaine.*

That the truth of this may pregnantly appeare, every severall point must of necessitie be prooved.

1. *Vsurie is a lending.*

THat *Vsurie* is in lending it appeareth in the 22. of Exod. *If thou lend mony to my people, &c.* and in Deut. 23. *vnto a stranger thou maist lend vpon vsurie. Bullinger* intreating of this argument saith, that *vsurie* is committed only in lending. *Brentius* vpon Lev. 25. saith as much. *D. Wilson* saith, there can be no *Vsury* where there is no Lending. I had thought to haue alledged that saying in the 6. of Luke, *Lend looking for nothing againe*: but that *M. Bucer* and *M. Calvin* say it is not meant of *vsurie* at all.

What Lending is.

HEmingeus in his treatise vpon *vsury* defineth lending thus. *Mutatio est contractus, &c. Lending* is a contract which transfer the right & dominiō of a thing to another without *interposito pretio*, but with promise to have the same thing delive-

red in *ſpecie*. As if I end a mã 100. pound for a yere, I do not only yeeld the uſe but the propertie of it, only to haue that I lend in the ſaue kind without gaine, or if I lend oyle or wine or any thing ſubiect to lending (which be ſuch things as conſiſt in *Waight*, *Nomber*, and *Meaſure*) I muſt obſerve the like courſe; yet *Heſiodus* ſpeaking hereof willeth the borrower to deliver iuſt meaſure *& amplius ſiquidem poſsis* that he may finde his neighbour ready to pleaſure him againe *ſi alias indigeas*, or as *Heming*. ſaith, *pertinebit ad gratitudinem*. The Latines make a difference betweene *Mutatio* and *Accommodatio*, when any doth *mutuum dare* he lookes but for his owne in *eadem ſpecie*, but when he doth *Accommodare* he lookes to receive it in *individuo*, as if he lends his horſe to haue the ſame againe and not an other, or if he lets his houſe, to haue the ſame, and none other.

2. *Vſurie is a lending for gaine.*

THat *vſury* is a lending for *Gaine* it appeareth by the prophets repetition: *Thou haſt taken vſurie & the increaſe*, Ezek. 22. 12. this worde *increaſe*, is as much as gaine? as when a man lendeth 10. pound & take 11. pound: or 20 combs barley and take 22. for a yere, he hath not *incrementum ex vſu*. *S. Ambroſe* commends him to be a good man that doth lend and take no increaſe. *Nehemiah* did lend corne, and mony to his brethren without looking for gaine.

What it is to lend for gaine.

GAbriel *Biel* ſaith, that gaine is the increaſe of mony, or the value of any thing that may be prized and meaſured for money

money. Whosoeuer lendeth his money, corne, wine, oyle, and receiue any thing for the vse of it, is an *Vsurer*. S. *Ambrose* and *Hierome* say there are many that will not take money, but certaine other gifts, this is *Vsurie*: whatsoeuer it be they receiue more then they lend, it is *Vsurie*, *Musc.* 579. Most writers condemne him which take money or monies worth for lending. *Hemingeus* giueth some instances; one man borrowes a hundreth pounds and offereth vse for it, the lender refuse to take it, but tels him if he will bestow a gowne-cloth of his wife, or the pasturing of a horse, or some of *S. Austens* workes, or such like, he will let him haue his money, this is *Vsurie* though it be cloaked.

3. *Vsurie is a lending for gaine by Compact.*

THat there is a compacting for *Gayne*, it appeareth Exod. 22. the Lord saith, *Non impone vsuram, &c.* thou shalt not impose *vsurie* vpon thy brother, by which appeare to be a kinde of compact. *M. Beza* tearmes him to be *fœnerator pacti*, which take or exact any thing by lending; hereof the Statute made in anno 11. Henr. 7. chap. 8. did forbid *vsurie* of contract or couenant.

VVhat it is to Compact.

THe *Civilians* tearme that a *Compact*, when as two men or moe,

moe, doe conferre and consent together of a matter.

The Lawyers say there are two kinde of *Compacts*: { *Pactum tacitum.* / *Pactū expressum.*

Pactum tacitum is this, when as consent or agreement is intended; an instance hereof appeares in Numb. 30. as when the parents of two children doe debate of a mariage betweene their children, the children stand by and heare all, but say nothing, by silence in the children *intenditur consensus*. Silence is many times to be taken as an answer betweene the *Vsurer* and the borrower: as for example, if a man comes to an *Vsurer* to borrowe money, and tels him he will allow him after ten in the 100. although the *vsurer* saith nothing, this is a kinde of compact: or if one comes to borrowe money, and the *vsurer* saith he will take after ten in the 100, albeit the borrower saith nothing, but takes the money, it is a kinde of *Compact*: and it is so vsuall, that M. *Bucer* saith, he is counted an impudent man that doth not offer *vsurie.*

Pactum expressum is either { *Nudum.* / *Vestitum.*

Nudum, the bare compact is, when one comes to borrowe money, the *vsurer* asketh him if he will giue vse for it, the borrower saith he will, this is so called, because the *vsurer* depends vpon the borrower what he will giue.

Vestitum, the certen or shrouded compact, is either in { *Verbis.* / *Scriptis.*

In *verbis*, when the borrower passeth his promise for the payment of vse.

In

In *scriptis*, when the *vsurer* takes specialty for the vse of his money.

How farre Vsurie extendeth.

Vsurie is not onely cloked, but also committed as well in many other things as in money, and therefore the Lorde doth not onely condemne *vsurie* of money, but also *vsurie* of meate, *vsurie* of any thing is put to *vsurie*, *Deut.*23.19.

S. Hierome saith, some suppose there is no *vsurie* but in money. This did the holy Scriptures foresee, which take away increase in all other things. *M. Bullinger* saith, that *vsurie* is committed in the vse of cattell, house and ground.

Hemingeus saith, that *vsurie* is committed in lending of all things, and doth hide it selfe vnder diuers kind of contracts, as buying, selling, lending, letting, exchanging, giuing to paine, &c.

By the opinion of the *Schoolemen*, *vsurie* is taken so largely that it comprehendeth buying and selling.

M. Calvin saith, *Multi contractus ab hominibus vafris excogitati sunt, quibus inopes expilarent, sine ignominia vel dedecore, atque hodie nulla crudelior est rapacitas quàm vbi absque mentione fœnoris vectigal debitoribus imponitur. Calvin. in Harmo.*

So that this generally toucheth Merchants, Shop-keepers, Corne-mongers, and all others that haue any trading and traffique in the common-weale. Yet we must take heede that we doe not condemne all profitable and lawfull contracts, as *Hemingeus* saith, *prætextu vsuræ propter similitudinem*: for that in no wise is iust; no contract is to be condemned *qui charitati proximi non aduersatur.*

Sithence *vsurie* is committed in so many things, it weare necessarie to knowe some of the greatest *vsuries* that the worse might haue his appearance.

which

VVhich is the greateſt Vſurie.

IF our *Vſurie* in money were all one with that of the *Iewes*, the queſtion were ſoone anſwered: for they tooke after 60. 70. 80. in the 100. It appeares in *Graftons* Chronicle that about the yeere of our Lord 1264. and in the 47. yeere of the raigne of *Henry* the 3. King of England, fiue hundreth *Iewes* were ſlaine by the Citizens of London, becauſe one Iewe would haue forced a Chriſtian man to pay more then two pence for the *vſurie* of twentie ſhillings the weeke: as for our *vſurie* in money after the rate of 10. in the 100. it comes not to an halfe-penny a weeke for twentie ſhillings: and therefore I take it to be the leaſt *vſurie* that is vſed this day in the land.

1. *Wares and Marchandize.*

HE that puts forth money dare not exceede the rate of 10. in the 100. but he that vttereth ware doth make his rate to his owne contentment. In money they reſt vpon the conſcience of the borrower what he will beſtow (for our laws allow nothing for vſe:) In ware they vſe their owne diſcretions in taking what they can get.

In money there may not be taken after 10. in the hundred, but within the time without trebble loſſe: in ware they care not

what

what they gaine, nor howe soone they make sale, so they may take money.

In money, the allowance is seene and knowne to others after 10. in the 100. In wares, the gaynes that are got be secret and concealed to them selues. One will not let to boast he hath saued aboue 30. in the 100. when the other durst not say he hath taken aboue 10. in the 100. for money.

It is ordinarie with occupyers to proportion the price of their wares according to the time of payment as well as *vsurers.*

Many occupyers will often vse these shifts whereof they haue no vse in money.

They will mixe their wares if they be ill with better, if good with worse, and so by chopping both away togither deceiue the buyer.

They will giue bad measure, and vse false waights, whereof the Prophet *Micah* complaineth, Are yet the treasures of wickednes in the house of the wicked, and the scant measure that is abhominable, shall I iustifie the wicked ballances and the bagge of deceitfull waights, *Micah* 6.10,11.

To set a fayre glosse for gayne of their counterfeit ware, they will vse *Lying* and *Swearing*, they are so carried with the sauour of gayne, that they make no conscience of a lye, but as the Prophet saith, *They haue taught their mouthes to lye Ier.* 9. 5. and that they may be the better beleeued when they lye, they will vse swearing; for custome hath made it so common that they thinke periurie no impietie but worldly pollicie, and therfore it is true the same Prophet saith, *As a cage is full of birds, so are there houses full of deceit, thereby they are become great and waxen rich*, Ier. 5. 27.

2. Corne or Grayne.

HE that puts out an 100. pound for a yeere, may not take aboue 10. pound for the lone, albeit the borrower may peraduenture gayne aboue 30. or 40. pound with the money, but he that laieth out 100. pound in *Corne* doth sometime gaine aboue 50. yea sometime 100. in the 100. for not long since the price of Corne so increased, that necessitie willed many rather to pay the penaltie of their bonds, then to make deliuerie of their bargains; hereupon some vnreasonable Corn-mongers, Malstars, and such like were grieued because they tooke no bils, as discontent of double gaines by their bonds.

It is a common practise in this countrey, if a popre man come to borrow money of a Malster, he wil not lend any, but tels him if he will sell some barley he will giue him after the order of fore-hand buyers, the man beeing driuen to distresse, sels his corne farre vnder foote, that when it comes to be deliuered he looseth halfe in halfe, oftentimes double the value.

I haue heard many of these fore-hand sellers say, that they had rather allowe after 20. pound in the 100. for money, then to sell these fore-hand bargaines of corne.

These are most extreame *Vsuries*, and they haue no colour to excuse it, but a reason of *Gabriell Byel*: for that the price of Corne is casuall in rising and falling: this is soone answered, howsoeuer it may seeme casuall at the buying, the commoditie being deliuered, it is certen at the receipt, and therefore this can be no excuse to warrant excessiue gayne.

Malsters

Malsters and Cornemongers may vse more deceit then Mony-masters.

IF money be not put forth there come no increase by keeping of it, that appeares in the idle seruant by the Talent, but they cannot be content to make present sale of their corne for a reasonable price, but many doe hoard and keepe their corne of purpose to inhaunce the price, and so oppresse the poore, as the Prophet (speaking in their person) saith, *That we may buy the poore for siluer, and the needie for shoes*, Amos 8. 8. and by keeping of it they doe not onely raise the price, but impaire the corne, making it vnsauorie at the sale: therefore in the same place it followes, *Yea and sell the refuse of wheate.*

In money they cannot be deceiued of their iust some, if they haue their sight, but in Corne they will abridge the measure many waies by deceit, when one least suspects, or can best see, which the Prophet well perceiued: for he saith that *they make the Ephah small, and the shekell great, and falsifie the waights by deceit*, Amos 8. 5.

In money they may not exceede the rate of 10. in the 100. In corne they gaine by buying, and by giuing day in the sale to others they will gayne by the time.

Aristotle saith well, *fœnus est quasi fœtus*: for I take this to be one of the most extreame *Vsuries* in the land. Therefore M. *Calvin* saith, *Vsura nihilo deterior erit quam emptio.in* 8. *præc.* 375.

3. *Lands and Tenements.*

THere are ſome that hire houſe and lande after 20. pound the yeare, and are good gayners by it, and yet they let the ſame to others and make after 60. pound the yeare, this caſe is too common.

I haue knowne others that haue laid out ſome 800. pound in purchaſe, and in leſſe ſpace then a yeere haue ſold the ſame again for 1100. to another and readie payment.

I note theſe but by the way, but indeede if we would knowe the reaſon why Corne, Cattell, and ſuch other commodities are ſo deare at this day, more then in other times before paſſed, we ſhall finde this to be the cauſe; the racking and vnreaſonable rents of houſe and lande: for it is nowe come to this paſſe, that Farmars can not afford their commodities at indifferent prizes, for if they ſhould, their extreame rents would inforce them to runne away.

The Rents of houſe and land are almoſt come to the rates of money, which is very vnreaſonable if but in this reſpect, becauſe Landes are immooueable and certen, but money is ſubiect to many caſualties and aduentures, as ſhall appeare vpon the handling hereafter of the *Statute* 13 *Elizabeth.*

To ſpeake generally of all kinds of *vſurie* were too tedious, but theſe may giue a light to the reſt, notwithſtanding this is to be noted as an vniuerſall obſeruation, that he which hath but 100. pound, and puts it forth, ſhall hardly maintaine his family with the lone of 10. pound, & yet many an one maintaineth him

ſelfe

selfe and his charge with lesse then 40. pound by imploying the same in trading and traffique in other things.

If the Lord will not permit any Vsury in money, much lesse will he suffer others in their severall callings to exact vnreasonable gaine: for he doth not onely forbid one but the other. Deut.23.

How and in what sort Vsurie is condemned by the word of God.

THere be many places of proofe for this purpose, some whereof follow.

Exodus. 22. Levitic. 25. Deuter. 23. } and { Psalm.15. Prov.28. Ezek. 18. & 22. } Some adde these { Psal. 55. Psal. 72.

The whole Law is divided into three parts { *Morall.* *Iudiciall.* *Ceremoniall.*

It is much disputable among writers which of these three should apprehend *Vsurie*; it were in vaine here to expresse their variable opinions: but I will briefly deliver the iudgemets of the learneder sort.

The matter of *vsurie* is Politicall or Iudiciall.

So say { *M. Calvin in* { *Octav. præceptum.* 375. *Harmon. in Exod. Levit. &c.* } *Philip. Melancthon in Epitom. Philosophiæ moralis.* *Danæus Aethic. super præcep. octav.* and many others.

That

That we are not tyed to the Iewes *Policies* or *Iudicial* lawes,

Appeares by { *M Calvin. in Institut. lib.* 4. *cap.* 20. *sect.* 15. 16. / *D. Pet. Martyr. sup.* 1. *lib. Samu. cap.* 25. *sect.* 42. / *M. Beza. in decima Epistola*, and many others.

So that from hence is to be obserued, that the approbation, disprobation, tolleration, and moderation of *Vsurie*, depend vpon the Magistrate. Hereof saieth *M. Calvin*, The *Vsurer* must take heede that he exceede not that rate of the Countrey where he liveth. *Bullinger* saith, The Magistrate must keepe the *Vsurer* in with good lawes. *Labother* is of that opinion. *Zwinglius de dupl. Iustic.* saith, I thinke of *Vsurie* thus, when the lawes of a Magistrate doe permit it, it may be vsed, but if the Magistrate forbid it, it must of all sortes be obeyed. *Hemingeus* is of that mind.

Lawes made against Vsurie.

THe Emperour *Leo* did make a Law against *vsurie* that whatsoever any man did take, should be received into the principall. *Hermenopol. lib.* 3. *tit.* 7.

Pope *Martin* in the counsell he called did forbid *Vsury*, and *centesimam vsuram*, and that gaine which was got by any filthy trade. *Ex concil. Ma. Papa.*

Pope *Leo* did likewise forbid the same as sorry any Christian man should be an *vsurer*.

In

In the *Synod* of *Nicen*, wherein were assembled three hundred and eighteene fathers, in a Canon they made did condemne all *vsurie*. in Decret. 47.

There were many decrees to forbid *vsurie* in the Clargie.

If he did put out money to *vsurie* he should be none of the Clargie. 33. *d. Martis d.* 46. *seditio.*

If he tooke 12. in the 100. more or lesse he should be degraded and made irreguler. *Concil. Nicen.* 18.

There were Canons made for the Laiety, being an *vsurer* he was
- suspended from the Communion.
- excõmunicated out of the church.
- not capable to make a will of his goods.
- not to be admitted to Christian burriall.

Yea, the Canon Lawe saith, No man need to care what become of an *vsurer.*

Lawes made to moderate Vsurie.

Solon made a law among the *Athenians* and he did allowe *de centum aureis singulis mensibus aureus vnus. Heming.*

The Romane Emperour *Iustinius* ordeined a law in his time for the tollerating of 4. 6. 8. 12. in the 100. according to the degrees of men. *Heming.*

Tully maketh mention in his time of another Lawe, how at the first there was graunted 1. in the 100. afterward 4. in the 100.

The Civill lawes in the *Code de vsuris* doe permit the hundred and halfe hundred part.

By the law of *Pandect* and *Constantine*, *Vsury* is tollerated in some sort.

Statutes

Statutes and Lawes made by Kings and Gouernours within this land concerning *Vſurie.*

IN and before the Raine of King *Henry* 3. the Lawes for Vſury did conſiſt in the holy Canons of the Church and were puniſhable by them. I read of *Iuſtinius* the Emperour how in his Conſtitution he did ordaine that the holy Canons of the Church ſhould haue power and authoritie againſt the Lawes of Vſury.

Theſe Lawes being ſo ſtraight and generall, the ſaide King *Henry* in the 20. yeere of his raigne cap. 5. did make this *proviſo* for the benefit of Orphans only.

IT is provided and granted by the King that from henceforth vſuries ſhall not turne againſt any being within age from the time of the death of his Aunceſtour (whoſe heire he is) vnto his lawfull age. So neverthelesſe that the payment of the principall debt with the vſurie that was before the death of his aunceſtour (whoſe heire he is) ſhall not remaine.

Muſculus ſaith, that our predeceſſours vſed the order of pupils and orphans before the peſtilent plague of Vſurie had prophaned and defiled the Church, and were contented to permit that in them, and in none elſe.

It appeareth by this braunch that all Vſury is condemned ſaue in orphans.

14. *Edward*

14. Edward. 3. Chap. 5.

KIng Edward made this Lawe. *The King and his heires shall have the Conusance of Vsurers dead, and the ordinaries of holy Church shall have the Conusance of vsurers on liefe as to them appertaineth to make compulsion by the Censures of the holy Church for the sinne to make restitution of the vsuries taken against the lawes of holy Church.*

This is the first law at large that I can finde for *Vsurie* in the Statutes since *Magna carta*, wherein all *vsury* is generally condemned.

3. Henry. 7. Chap. 5. 6.

THis King made a strict law, especially for these damnable bargaines of *vsury* coloured by the name of new *chenisance*, such as dealt corruptly in it were to pay an hundred pound. Also if any man did lend 100. pound and tooke 120. more or lesse in money or marchandise &c. was to loose his principall. Here hee condemned all *vsurie*, but in the 11. yeere of his raigne chap. 8. he repealed the former act and inacted an other to this effect.

All maner of person or persons lending monie to and for a time, taking for the same lone, any thing more besides or above the money lent by vvay of contract or covenant at the time of

the ſame lone (ſaving lawfull penalties for default of paiment) was to forfeit the moiety or one halfe of the principall there be other branches therein concerning corruption by way of cheniſance,&c.

I obſerve from this how no *vſurie* is condemned but that which is impoſed vpon the borrower *by way of contract or covenant* at the time of the lending, if there were no contracting for gaine there was no breach of the Lawe, ſo that the borrower was not barred by this, but that he might gratifie the lender at his owne election.

37. *Henry.* 8. *Chap.* 9.

KIng *Henry* repealed all the Lawes and ſtatutes made concerning *vſurie* before, and doeth enact, that if any man take above 10. in the 100. for a yere or more or leſſe money after that rate, he ſhould looſe treble the value of the ſumme lent, it is ſo likewiſe in cheniſance and wares, divers other clauſes and branches be therein.

This Statute is intituled an act againſt *vſurie*, it doth not perſwade any to take *Vſury*, but reſtraine him to certaine orders, the husbandman ſuffereth many weedes to grow in his ground he likes not, ſo this law doth tolerate that it allowes not, it remits men of puniſhment that take but 10. in the 100. but it doeth not warrant them to take any at all. Therefore *M. Beza* well noted, that the civill lawes of Princes by reaſon of the impiety of the people are often times tollerated when they cannot be taken away.

5. & 6. Ed.

5. & 6. *Edward.* 6.

KIng *Edvvard* repealed the former act of King *Henry* 8. and forbiddeth generally all *vsurie*. He that tooke any should not onely loose the principall with the vse, but also be punished with imprisonment and make fine and ransome at the Kings pleasure.

The common saying is, some will take an ell where is given an inch: that liberty which that man of famous memory, Kiug *Henry* 8. gave was abused, therefore his sonne to avoid an inconvenience did cut off the occasion: but as water being pent doth strive more vpward, so the *vsurer* being restrained he waxed worse, and therefore this Statute of King *Edvvard* continued not long.

Of all these Statutes before mentioned none remaine in force, but some of the braunches of the Statute of K. *Henry* 8. now I think it very necessary to handle more copiously some of those particular and speciall clauses which be included in the last act against *vsurie* as a matter very expedient to be published, that many which knowe not how farre it extende may thereby avoid many extremities.

13. *Elizabeth Reg. Chap.* 8.

OVr gratious Queene *Elizabeth* repealed the former act of her brother *K. Edw.* 6. and doth revive the Statute of

K. *Henry* 8. in this ſort, that (whereas it is the honour of Engliſh lawes to be favourable) the acte of K *Henry* ſhould be moſt largely and ſtrongly conſtrued to the repreſsing of *vſury* and puniſhing offenders therein.

In the reſt of that Statute which is now in moſt force there be 4. clauſes or braunches moſt ſpecially and neceſſarily to be noted and explaned.

1. *Braunch.*

All bondes and contractes &c. for money or other things whereupon ſhall be reſerved or taken above 10. *in the* 100, *ſhall be void, &c.*

This is a dangerous clauſe in two reſpects, & may happen to a man { 1. by his owne fault. 2. by the negligēce of others.

If a man for grippleneſſe will reſerve more then 10. in the 100. although he never takes it his principall is loſt. And this I deeme his owne fault.

If the writer deceiue a man in the making or dating of a bond, without the lenders privitie, his mony is loſt although he had no ſuch meaning. And this may happen to many a ſimple man through the negligence of others.

2. *Braunch.*

He that takes above 10. *in the* 100. *for mony, wares, &c. ſhall forfeit thriſe as much, beſides impriſonment, fine, and Eccleſiaſticall correction.*

There is difference betweene reſerving and taking *Vſurie*, he that reſerues it, neede not take it vnleſſe he will, but if he take it, he

he is ſure of that he reſerued: it is a leſſer ſinne to promiſe, then performe ill, and a leſſe hurt to reſerue, then to take *Vſurie*: therfore this clauſe is more ſtraight then the former. A man may hazard himſelfe and his goods herein many waies.

1. If a man takes aboue 10. pound in the 100. directly, he is conuicted by this branch.

2. If a man takes aboue 10. pound in the 100. indirectly, he is in great daunger.

Indirect taking, is many waies to be taken: but I will note 2. eſpecially.

The taking of money but a day leſſe then a yeere, may indanger one, &c.

There was one indebted to an *Vſurer* in a great ſome of money, the borrower dwelling farre off, came a day or two before his day of payment, and (with a friend of his) requeſted the *Vſurer* to take his money, ſaying that he came farre, and was at charges, and therefore would gladly giue him his whole allowance; after many intreaties the *Vſurer* tooke his money, but the borrower procured him a trebble miſchiefe afterward.

He that takes but 10. pound in the 100. in money, and the borrower beſtows ſome other gift of him, I cannot ſee how ſafely the *Vſurer* may take it without offence to the Law, if the borrower be not the better man. I heard it credibly reported of one that lent 200. pound to two men for a yere; the day being expired, and they vnprouided to pay the money, brought not onely the conſideration, but to perſwade the lender to let them haue the money an other yeare, they would needs inforce vpon him as a free gift a gown-cloath which he refuſed, neuertheleſſe vſing apt perſwaſions, that they had gained greatly by the mony, at length by their importunitie, he tooke it, but how he was vſed afterward by the meanes of theſe men which gaue the gift, it were too odious to open. It were pitie that the othe of a borrower

rower ſhould be any way beneficiall to himſelfe about the thing he borrowes, there are many will not ſticke to beſtow an othe if their creditours doe but croſſe them, or call for their owne.

3. One miſtaken worde of a writer, or falſe othe of a borrower, may hazard a man herein.

3. *Braunch.*

He that takes aboue 10. *in the* 100. *for money or wares, ſhall forfeit ſo much as ſhall be reſerued by way of vſurie, &c.*

THis branch is more fauourable then the former for two cauſes.

1. Becauſe the *Vſurer* ſhall be puniſhed but with the loſſe of that he receiue without perill of the principall.

2. Becauſe he ſhall haue no temporall or eccleſiaſticall correction, though he looſe that which he taketh aboue the principall, ſo it be but, or vnder 10. in the 100.

When K. Henry 8. did tollerate 10. pound in the 100. many abuſed that libertie vnder the colour of the Law, and when K. Edward 6. had vtterly taken away all *vſurie*, this inconvenience came, fewe or none would lend becauſe they might haue no allowance, whereupon her Maieſtie to auoyde this euill, made this remiſsiue clauſe.

This

This *Braunch* doth allowe no *Vsurie* at all, but doth leaue it after a sort to the curtesie and conscience of the borrower: for as the Lawe doth conuict no man without proofe, or take knowledge of this offence without information, so it is to be presumed, that none can so fitly be an approouer as he that findeth himselfe grieued, which of necessitie must be the borrower because he payeth the *vsurie*.

The borrower hath this libertie by this branch for his owne benefit.

1. If hee promise *vsurie*, he neede not to pay it vnlesse he will.

2. If he pay *vsurie*, he may recouer it againe if he be grieued.

3. If he be willing to pay *vsurie*, he is at his owne choice to complaine.

Most of these common, or rather cunning *Vsurers*, are come to this passe, because the law alloweth no *vsurie*, they will put in no *vse* in their bonds, but leaue it to the courtesie of the borrower, if he giueth *vse* they will take it, if none, they will note him another time when he standes in neede, and for this cause, because they are doubtfull of mens dealings, they will not put forth their money aboue 3. moneths, that the borower can hardly make any profitable returne of it in so short time.

4. Braunch.

This Statute doth not extend nor ſhalbe expounded to extend vnto any allowances or payments for the finding of Orphanes according to the auncient rates or cuſtomes of London, &c.

IT is a godly act, that thoſe ſhould be prouided for that cannot prouide for themſelues; the Scripture willeth that the *fatherleſſe* ſhould be prouided for. K. Hen. 3. K. Hen. 8. and our gratious Queene Elizabeth, haue for good cauſes graunted and continued this allowance: their allowance is 5. in the 100. which *Hemingeus* prooues to be lawfull, becauſe it doth not fall into the contract of *Vſurie*: his reaſon is this, *Nam nec tutores de alieno obligantur mutuare, nec qui mutuum accipiunt, vbi nulla, nec diuina, nec naturalis præceſsit obligatio ſeu debitum, iuſtè gratitudinem pro accepto beneficio recuſare poſſunt.*

There is great reaſon why allowance may be graunted to *orphanes*, and not to men.

Men haue wit and diſcretion to imploy their money in many things, though they lend not vpon *Vſurie*. With their money they may buy houſe and land, and ſaue by a reaſonable rent, or wares, and make a reaſonable gaine, or corne or cattell, or other commodities, and reape a reaſonable commoditie.

The *orphan* as he is yong in yeares, ſo he is in diſcretion, and wants that fore-ſight in trading & traffique in the world, which experience of more yeares may bring at mans eſtate.

But it may be obiected, that the *orphans* money may be imploied

Ploied by an other, some other way then by allowance, so it may be alledged, vnlesse the tutor or gouernour be an honest man, it will neuer be improoued, but he may impaire it vnder colour of many losses without iust cause, and so defeate the pore orphan of his portion, therefore very conuenient is this proviso; for whatsoeuer gayne is got by the orphans money by others, yet the orphan shall be sure to haue some allowance towards his education during his noneage, and his stocke to be safe at mans estate for his maintenance.

I haue dilated this whole *Statute* for two causes:
1. *The knowledge of the ignorant.*
2. *The benefit of the Vsurer.*

There be many simple men which hauing no insight into this *Statute*, are not ashamed to say that it alloweth 10. in the 100. which indeede is a meere scandall and slaunder: for it inflicteth a kinde of punishment, by the losse of the least *Vsurie* that is taken: therefore such as be ignorant of this Statute may now know it.

The *Vsurer* may see by this Statute, how many aduentures he is subiect to by lending his money to Vsurie; although he doth not *quoad eventum* like the husbandman that soweth his seede, or the merchant that crosse the seas, aduenture: yet for all he doth *quoad media* vse all the best meanes to saue his owne, he may be intercepted, and therefore he may learne to imploy his money otherwise to his benefit as well as others, and albeit his gaynes be greater many waies therein then after 10. in the 100. it wilbe lesse noted, and himselfe better esteemed.

The chiefe ende I aymed at in the distribution of this Statute is, to draw an argument from the same to this effect,

Those which write and speake most for Vsurie, say it depends vpon the positiue Law of the land.

But the positiue Law of our land admits no Vsurie, but allowance for orphans.

Therefore no Vsurie may be taken of any but allowance for orphans.

Whether Vsurie may be taken of Rich-men.

MAny are of the opinion that *Vsurie* may be taken of the Rich without offence to the word of God, by permission of the *Magistrate.*

M. Calvin writing vpon that place in the 22. of Exod. *If thou lend money to my people, that is, to the porre with thee, thou shalt not be as an Vsurer to him,* maketh this exposition: *Non nisi de pauperibus haberi sermonem, ideoq; si cum diuitibus negotium sit, liberum ius fœnerandi permitti*: his reason is this, *Quia legislator rem vnam notando, alteram de qua subticet, videtur non damnari*, he saith by all necessarie consequence, the expresse and speciall prohibition of the poore by name, doth giue an intended and intellectual permission to others: insomuch as he flatly affirmeth in another place *vsuras quaslibet absque exceptione damnare nulla patitur ratio. octa. præ.* 375.

M. Bucer giues many instances to this effect, which for brevitie I will omit.

Hemingeus approoues this kinde of *vsurie* euen from the very lawe of lending: for he saith, *Indigentibus solis gratuita mutuatio debetur: & non auaritiæ insatiabili seruire debet.*

Euery contract which in his kind or by circumstances ought to be free, if there be a compact to receiue any thing besides the prin-

principall *est Vsurarius contractus*, & properly this is called *Vsurie. Gersonis regula*. From hence *Hemingeus* saith, *non esse vsurarium cõtractum*, which by circumstances ought to be free. The free contract of lending concernes the poore, but if the Rich borrow, he saith, *dico Vsuram hic propriè non committi propterea quod beneficium istud fuit liberum ad quod nec diuino nec naturali iure eras obligatus*: and in another place he saith, *Quid enim peccat qui pro beneficio expectat gratitudinem*, and affirmeth that it is naturall equitie, that for a good turne *quod non iure debemus* another be done, that there may be equalitie.

That the libertie may appeare to be lawfull for *vsurie* of the Rich, you shall heare the learned opinions of some vpon the 15. *Psalme. Lord, who shall dwell in thy Tabernacle? He that hath not giuen forth vpon Vsurie.*

M. Calvin saith, that the name of *Neseck* which Dauid vseth, beeing deriued of byting, declareth sufficiently that *vsurers* are condemned so farre forth as they draw with them a libertie to pill and poll. In another place he saith, *Si obijciant fœneratores à Davide & Ezech. in totum damnari, sententias illas ad normam charitatis exigi debere arbitror: ideoq; non damnari nisi improbas exactiones, quibus creditor, posthabita æquitate, debitorem suum onerat, ac premit.*

D. AEpinus writing vpon the 15. Psal. doth name 3. kindes of men, *Mendicantium, Indigentium, & eorum qui sunt Locupletes*, and after he hath learnedly and largely handled the matter, he concludes thus, *in tertio ordine non committi vsuram.*

Hemingeus vpon the 15. Psal. saith, that it is manifest that the Psalmist doth there speake of biting *vsurie*, because he doth vse this word *Neseck. quod à morsu nomen habet*: further he saith, that in this Psalme is forbidden but that *vsurie quæ ante in Mose fuit interdicta*, and this is his reason, *Prophetæ enim nullam nouam doctrinam afferunt sed tantum Mosis sunt Interpretes.*

S. *Augustin* hath a sensible saying, where things are more plainly vttered in the Scripture, there must we learne how they are tō be vnderstoode in obscure and darke places. *August. lib.* 83. *quæst.* from hence some frame a reason thus;

If all parts of the Scripture expound one an other (as they doe by the opinion of *Chrysostome* 2. *Gen. homil.* 13) then ye must consider, that as all riuers runne they neuer so crooked, haue recourse from the fountaine as the head, so all future places of proofe concerning *vsurie*, seeme they neuer so obscure, haue reference and doe rely vpon the former, which M. *Calvin* and *Hemingeus* haue expounded before to concerne the poore.

These learned men are to be reuerenced for their opinions, because they reconcile themselues after a sort in their owne sayings: for whatsoeuer they approoue in particular & respectiuely for *vsurie*, they condemne generally by their conclusion.

M. *Calvin* saith, *Præceptum mutuandi absque fœnore, politicum est*, and doth no further allow of *vsurie* then the lawe of the Magistrate permitteth.

Hemingeus prooues some *vsurie* lawfull, but how? *si seruatur æqualitas quam Magistratus statuit.*

D. AEpinus though he saith *in tertio ordine non committi vsuram*, yet he addeth this, *modo alioqui ab æqualitate non decedatur*, which is to be appointed by the Magistrate.

These men doe no further defend *vsurie* then they referre their iudgements to the law of the Magistrate, we hauing no law to approoue it, their opinions are satisfied.

Certaine reasons why some rich men ought not to borrow vpon Vsurie.

What should mooue a Rich man to borow mony, hath he not corne

corne to make mony of, yet he perceives that markets are litle worth, and therefore he doth reserve it to that ende the Iewes did at *Ierusalem*, *Amos* 8. to make a dearth, and not as *Ioseph* did in *Egypt* to relieve the famished.

Another hath great store of cattell, and may sell some of them for money, but it may be, that cattell beare no price, or his grounds be vnderstored.

Many haue divers other things which they may well forbeare and sell, in respect of any want which they doe spare and reteine vpon some covetous fore-casts: for they presume they shall loose lesse by allowing after ten in the 100. for money, then by present sale of any of their cõmodities at those ordinary prices.

Rich-men I confesse may somtime want money and borrow for good and necessary considerations, but most commonly what cause doth constraine most of them to borrow? alas, it is lamentable to expresse.

One seeth an house and ground of his neighbours that were fit to be laid to his owne, he will vse all the meanes that may be to have it, (as *Ahab* did by *Naboth* hee would needes have his peece of ground tõ make him a garden, because it was neere his house 1. King. 21. 2.) if he wants mony to purchase it, he will take it vp at Vsans.

Another hath entred into a great purchase which hath a common appendant to it for the benefite of the poore, which he meanes to aprone to his owne vse (a thing too common in these daies:) the Prophet could see this in his time: for he saith, *They covet fieldes, and take them by violence: and houses, and take them away, so they oppresse a man and his house.* Micah. 2. 2. If he wants money to wade through withall, he will non sticke to visit the *vsurer*

There be others which be the cormorants of a Commonweale that borrow mony of purpose to buy corne, to hoord it

vp

vp to inhaunce the price,to ſhip it away to make it ſcarſe, vſing all pollicie againſt Gods providence to make a famine and thereby procure the curſes of the poore, Prov. 28.

There be others that borrow mony to conſume in prodigall maner, in bravery, banketting, voluptuous living, & ſuch like: they conſume that in waſt which many poore doth want, the coſtly apparell on their backs do ſo ſtick in the mercers bookes, and the dainty cates for their bellies, doth ſo ſoake their purſes, and the riotous company they keepe is ſuch a moath to their mony that they are inforced through folly to reſort to the *vſurer* as their beſt friend, and very glad are they if they may get mony:though they obtaine it by pawning their iewels,plate,or landes.

If any of theſe or others like theſe do borrow mony for theſe or the like purpoſes. He that doth lend them any doth procure a great miſchiefe, or if he hath any foreknowledge of it or ſuſpicion of ſuch a pretence, he is partaker of the ſinne and curſe whereof the borrower is culpable. *Heming.* ſaith,we ought not to lend to ſuch neither by diuine,natural,or humane law,which do abuſe mony to theirs and others deſtructions,his reaſons followes.*Nam qui occaſionem damni dedit,damnum dediſſe videtur, quamobrem ſit reus alieni peccati ac ſiſuum proprium onus ſibi non ſatis eſſet.* And it appeareth in the Roman.1. 31. that not onely the followers but ſuch as were fauourers and furtherers of evill were reprooved and puniſhed.

This inconvenience hath growen by reaſon of lending to the Rich, ſince they began to borow the law of free-lendidg to the poore hath bin laid aſide:for it is now come to this paſſe that the poore man ſhall ſooner begge then borrow,becauſe the *Vſurer* thinke all loſt that is lent to him, or litle to be got by lending vnto him.He that will lend to the rich to ſerve his ſiniſter commoditie,when he ought to lend to the poore to ſatisfie his neceſsi-

tie,

tie, ſuch thrift is a braunch of theft by the opinion of *D. P. Martyr* vpon the 2. Rom. and all his mony will but turne to his own miſery.

The *Vſurer* is taught generally in the word to lend, moſt eſpecially to his neighbour in the time of his neceſsity *Syrac.* 29. *Hemingeus* writing vpon this place, ſaith *Hic aperte ſapiens reſtringit mutuationis debitum ad neceſsitatis tempus*. It is cõmanded by Moſes, *Thou ſhalt lend him ſufficient for his neede which he hath. Deut.* 15.8. It is commended by *David, The righteous is mercifull and lendeth Pſal.* 112.5. It is imitated of the godly; *I my breethren and ſervants* (ſaith *Nehemiah*) *doe lend them money and corne. Nehem.* 5.10.

Sithens we ought eſpecially to lend to the poore, euen from the very nature of the law of lending it ſelfe, it were very neceſſary to diſtinguiſh the eſtates of men, that the poore man may be the better knowne, thereby to take away all colour of excuſe from the *Vſurer*.

A deſcription of ſome ſuch poore men as WE ARE COMMAVNDED TO *lend vnto vvithout Vſurie.*

THe begger that liveth of Almes, ſuch an one as is blind, lame, or having other defectes of nature, to this man we are preciſely inioyned to give & not properly ſaid to lend, vnleſſe it be to the Lord. *He that hath mercy on the poore, lendeth to the Lord*, Prov. 19. for he cannot reſtore that which he receive. Hereof ſaith the *Preacher*, *Caſt thy bread vpon the waters. Eccl.* 11.1. as a thing loſt, this is none of thoſe poore-men properly to whom the ſcripture willeth any great ſumme of mony to be lent, but otherwiſe to be relieved.

Theſe

Theſe are to be noted { *Artificers*, *Labourers*, *Husbandmen*, *Young maried men* } in the number of the poore.

Artificers.

THe *Artificer* which hath nothing but his bare fingers and tooles to get his living reſpecting his charge is to be deemed a poore man: for as cunning without tooles can do nothing, ſo tooles without wherewith can not be ſet on work, and without worke the man ſhall ſoone begge, yet having worke he may live in want. To this man we muſt not only lend without *vſurie*, but (if we miſtruſt him) we muſt take ſuch a pledge as he may well ſpare: it appeareth ſo in Deuter. 24. 10. *Thou ſhalt not goe into his houſe to fetch his pledge, but thou ſhalt ſtand without, and the man that borrowed it of thee, ſhall bring the pledge out of the dores to thee.* And this ſtandeth with great reaſon: for if a man ſhould take his tooles to pledge, he ſhall not ſave ſo much by borrowing as he ſhall looſe by his worke for want of his tooles.

Labourers.

THe *Labouring-man* that hath neither houſe or home of his owne to hold his head in but liveth onely of his bare & bodily labour is to be accounted a poore man, whoſe neceſsitie is ſuch ſometime as he muſt needs borrow, and vpon ſuch a pledge as he cannot well forbeare, as his garment or ſuch like, therefore we muſt neither take *vſurie* of him nor deteine his pledge; for it is written, *If it be a poore body thou ſhalt not ſleepe with his pledge, but ſhalt reſtore it when the Sunne goe downe,*

downe that he may ſleepe in his raiment. Deut. 24. 12. *Exod.* 22. 26. and it is an horrible thing to withold it; it is this that make the Prophet cry out againſt the Rich, *They lie downe vpon clothes laide to pledge, Amos* 2. 8. & Iob deſcribing the impiety of the wicked ſaith, *They take the pledge of the poore. Iob* 24. 9.

Husbandmen.

THe *Husband-man* that hath but a ſimple cottage of his owne and keepeth a beaſt or two vpon the common to maintaine his charge, is to be eſteemed a poore man, whoſe eſtate is ſuch as miniſtreth occaſion to borow; to whom we ought to lend without *vſurie*, and yet we muſt not take his cattell for a pledge: for it is reprooved, *You take the widowes Oxe to pledge.* Iob. 24. 23. leſt in ſo doing we ſooner impoveriſh then pleaſure him: and it is no more tollerable then to take the nether or the vpper milſtone to pledge. *Deut.* 24. 6. for this gage is his living.

Young married men.

THe *Young married man* that is bare to begin the world and wants wherwith to furniſh and follow his trade, is to be eſteemed a poore man: the originall of the cuſtome of money-mariages was made as a meane for the benefit of new beginners, to the end they might gather ſome ſtocke to ſet vp withall, (which offrings are now commonly abuſed amongſt the better ſort.) For this cauſe many godly men have giuē great

ſummes of mony to remaine as a ſtock for ever in the cities and townes where they dwelt, that it might be freely lent to benefit ſuch poore beginners, therefore *Hemingeus* noteth this to be one, to whom we ought to lend without *vſurie*.

Generally { He is to be deemed a poore-man which hath need to borrow and hath nothing that he may conveniently forbeare to make money of.
He is a rich-man (in reſpect of the other) that borroweth when he hath ſomwhat which he might very well ſpare to make money of.

To take *Vſurie* of theſe men or ſuch like whoſe poverty appeares either in our conſcience or acquaintance, it is a moſt odious act: for not only the word of God but all Writers do eſpecially condemne this. The places of Scripture are before expreſſed, the opinion of ſome auncient writers follow.

An crudelior eſt, ſaith *S. Auguſtine*: Is he more cruell that taketh any thing by force from the rich, then he which doth crucifie the poore with *vſurie*.

Nihil vſuris turpius. *S. Chryſoſtom* ſaith, there is no *vſurie* more filthy then that which is taken of the poore.

Vſuras quærere, ſaith *S. Ierome*. To take *Vſury* of ſuch it is all one to deceive or drawe away by violence.

Sine ferro dimicat. *S. Ambroſe* to that effect ſaith he doth revenge him ſelfe without a ſword that taketh *vſury*.

A præmonition for poore men.

AS you are deſirous to borrowe when you neede, ſo you muſt be carefull to pay when you borrow, although you ought

ought to pay no *vsurie* at all', yet I cannot finde in all the scriptures but that you ought to pay your debts. The Psalmist saith, *The wicked borrowveth and payeth not againe*. Psal.37.21.the poore widow made a conscience to pay her debts that had but a pitcher of oyle,for this cause the Prophet did increase her oile, and willed her first to go sell some of it to pay her debts, & shee and her children to live of the rest. 2. King.1.2. there is now no fruition of the 7. yeere of freedome vnlesse the Creditours of their conscience will release their debts.

The opinion of Writers concerning VSVRIE.

S. *Barnard* calleth *vsurie*, *venenum patrimonij*, the poyson of a mans inheritance, he saith in another place, *Quid est vsura legalis? latro prædicens quod intendit scilicet rapere.* *S. Chrysostome* saith, that *vsurie* in his time was accompted an extreme impudencie. hom.57.

S. Hierome saith, *vsurie* is a speciall cry of sedition.

S. Basil vpon the 14. Psalm. saith that *vsurie* have beene the meanes to bring many an one to the halter, his meaning is by paying *vsurie* they haue growen poore, and so fall a stealing, and at last come to hanging.

Iustinius the Emperour in the civill law saith, that to take *vsurie* is to rob by order and sufferance of law.

M. Beza saieth, Christian charity forbiddeth a man to put forth mony to *vsurie*.

Bish. Iuell saith, that *vsurie* hardeneth the heart: it is the curse of God and the people.

S. Ambroſe vpon the 22. of *Ezek.* ſaith, See how the Prophet hath coupled *Idolatry* and *Vſurie* together that one might counterpoiſe the other in euill.

Pomerianus ſaith, that *vſurie* is the preſent poyſon of the Church and common-wealth.

Muſculus ſaith, graunt *vſury* and then take away the law of loue: he tearmes it in another place, the fire of *Vſurie* as a thing that conſumes.

Lactantius ſaith, let a Chriſtian take this courſe, that in lending he take no *vſurie*, for that is againſt the law of lending. lib. 6. cap. 18.

Vna principalis ratio Bartholomei Sepolitani. againſt *vſurie*, if a man ſhould pay for that he borrow, he ſhould give increaſe for his owne, for he that lendeth doth transferre the dominion and the vſe together.

Melanethon doeth alledge the like reaſon, lending to *Vſury* fighteth with æqualitie: for the rule of æquality ſaith it is not lawfull to make a gaine of another mans goods.

Luther complained in his time that *Vſurie* had overthrowen whole countries.

The auncient Romans for a time abhorred *Vſurie* as a ſpeciall enormitie, but after they gave entertainment to it, it turned to to their deſtruction. *Hem.*

Egypt was overwhelmed with *vſury*, and ſo were the *Iarmyns.*

The *Perſians* abſtaine it as a practiſe of lying and deceit.

The *Indians* can not abide it, nor the *French-men.*

The *Engliſh-men* haue loathed it as Chronicles record before the *Danes* and *Saxons.*

Moſt countries haue contemned *vſury*, as a thing very odious and againſt nature, therefore many which were led but by the light of nature haue inveyed againſt it.

Ariſtotle ſaieth, that *vſury* is againſt nature: his reaſon is this,

this, *Pecunia natura non potest parere ergo vsuram ex pecunia sapere pugnat cum natura.*

Plutarcke saith, that it is against nature to take *vsurie*, for this cause *ex nihilo nihil fit.*

Alphonsus saith, that *vsurie* is the very death of nature.

Cato beeing demanded what it was to take *vsurie*, answered, *Quid hominem occidere?*

Plato made a law, that he which tooke *vsurie*, he should lose both the principall and the *vsurie.* And for that it was so execrable, he did expell all *vsurie* out of his common-wealth. *in quinto de legibus.*

I could repeate many others to this effect, but we may perceiue how *vsurie* hath beene esteemed by these; although it be a principle in reason, that the practise beeing ill reputed of, the practitioner can haue no better, yet it shall not be amisse to set forth the discredible account hath beene made of *Vsurers* in most ages and times.

How Vsurers haue beene accounted of.

HEmingeus beeing a boy, saith he could not remember aboue 2. knowne *Vsurers* in the lande he liued in, they flourished a while, but their children after them came to pouertie and reproch, so true is that *verse*,

Ex male quæsitis non gaudet tertius hæres.

In the 12. *Centuries* 4. chap. it is reported by those that wrote that ecclesiasticall *Storie*, that there was not an *Vsurer* to be found in all the countrey, and if an *vsurer* came to be knowne, his houses were called the deuils houses, his fields the deuils croppe, &c.

Brun.

Brunnion preaching vpon a time to his people in the preſence of ſome *vſurers*; he demanded if any *vſurer* were preſent, not an *vſurer* would ſpeake: inſomuch as he asked if any Scavinger were there: a Scavinger made anſwer he was one: hereupon the preacher ſaid, the ſcauinger was of better account then the *vſurer*: for the Scavinger was not aſhamed to heare and anſwer to his name and title when he was called, but the *vſurer* was.

The *Vſurers* are aſhamed at this day of their title, more then other men: ſome write themſelues gentlemen, merchants: others, grocers, mercers, but they will not write themſelues *Vſurers:* for indeede they are aſhamed of the name and word of *vſurie*, and therefore they haue got theſe fine tearmes: they will not ſay, let their money to *vſurie*; but to *intereſt*, or put it to *vſans*, or *they take conſideration, rent, or an honourable reward.* If they did thinke well of *vſurie*, they would neuer cloake it vnder other contracts.

Dauid praying againſt his enemies, Pſal. 99. wiſheth them this plague, *Let the extortioner take all his goods.* The *Septuaginta*, *Pagne*, *Tremellius* and *Iunius* tranſlate this word extortioner, *Vſurer.*

Muſculus commenting vpon the ſame place ſaith, ſee howe *Dauid* praies that his enemies might light in the *vſurers* hands; noting thereby what a curſe it was to goe to an *vſurer*, and howe the *vſurer* was the meanes to convey the ſame curſe to others.

The Prophet *Amos* chap. 8. cryeth out againſt ſuch as ſolde the poore for old ſhoes. *Gualter* writing vpon that place ſaith, it is common to all, but ſpecially to the *vſurers.*

S. Ambroſe complained in his time, that by the meanes of *vſurers*, parents were inforced to ſet forth their children to ſale, or binde them to captiuitie, for the payment of their debts, and

yet

yet neuer came to possesse their inheritance.

Luther reports that *Cæsar* commãded that an *vsurer* should not be counted and iudged by law an honest person.

M. *Calvin* saith, it is rare to see an honest man and an *vsurer*.

Baldus saith, an *vsurer* is a defamed person, and shall not enioy such goods as are giuen him.

Hemingeus saith, the *vsurer* might not make an offering at the altar, neither was he preferred to dignitie or called to offices.

Those which trauell the low Countries say the *vsurer* is so basely accounted of, that no man will be in his companie, and you shall sooner get one to goe to a brothel-house then to an *vsurers* house.

The celebration of a masse would neuer suffer the *vsurer* to kisse the paxe; none would fetch fire at an *vsurers* house; the boyes wondred and all men hist at an *vsurer*.

A thiefe was better esteemed then an *vsurer*: for a thiefe was to make but double restitution, the *vsurer* quadruple. *Heming. Iac.* 5.

Licurgus would not suffer an *vsurer* to dwell in *Sparta*, nor *Plato* any to dwell in *Græcia*.

If the Scripture willeth vs to shunne things of ill report, what account shall we make of an *vsurer* that hath so bad a report.

Epiphonema.

WHether we are to regard in these Writers, *the time*, because it is many yeres since some of them wrote; or *the place*, because most are forrain writers, where the gene-ra-

generation of the *Iewes* are hardly rooted out; or any such like circumstances. Certes I would not wish the *Vsurer* to stand vpon such cauils, but seeing not onely the word of God, but all ages, nations, lawes, and sects of persons doe condemne *vsurie* as a sinne most odious and opprobrious, I would haue him obserue that same fast in Esay 58.6. *to loose the bonds of wickednes.* S. *Hierome* writing vpon that place, vnderstands by it the extreame bonds that *Vsurers* wrappe others in, So getting his goods in the feare of God, they will be to his comfort while he liueth, & without pricke to his conscience when he dieth.

FINIS.

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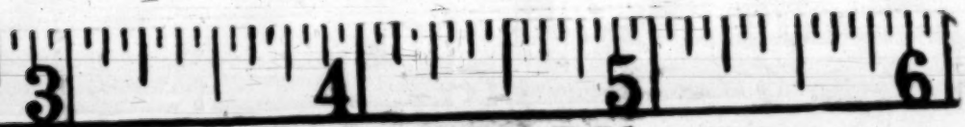

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